

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK**

In re:

Kevin & Cynthia Johnson

Debtors.

Ex-Parte Application

**Chapter 13
Case # 08-22116**

**EX-PARTE APPLICATION TO SEVER DEBTOR KEVIN JOHNSON'S
CASE FROM CYNTHIA JOHNSON'S CASE AND APPLICATION OF
DEBTOR KEVIN JOHNSON TO CONVERT
CASE TO CHAPTER 7**

Debtor, Kevin Johnson, by and through his attorneys, Chamberlain D'Amanda, Mike Krueger, Esq. of Counsel, does hereby move this Court to sever the case of debtor, Kevin Johnson, from that of co-debtor, Cynthia Johnson and allowing debtor, Kevin Johnson, to convert to a Chapter 7 case, and in support thereof states the following:

1. Debtors filed their joint Chapter 13 Bankruptcy Petition on August 20, 2008;
2. Debtors Kevin & Cynthia Johnson have separated since that date;
3. That the debtors have been living separate and apart for several months and do not expect to reconcile;
4. The debtor, Kevin Johnson, wishes to convert to a Chapter 7 proceeding due to the nature and extent of the separate debts and liabilities of each debtor and the ability of each debtor to receive a Chapter 7 Discharge.
5. Based on the foregoing, debtor, Kevin Johnson, seeks to immediately sever his case and convert to Chapter 7, pursuant to 11 U.S.C. §1307(a).

WHEREFORE, it is respectfully requested that the Debtor's Motion to Sever the case and allow debtor Kevin Johnson to convert to a Chapter 7 case be granted, together with such other relief that this Court may deem proper and just.

Dated: October 14, 2009

Respectfully submitted,

/s/ Kevin Johnson
Debtor

/s/ Mike Krueger
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